

Minimum Lot Size - Multiple Family Developments, Hotels, Motels & Resorts

- Current law has been interpreted by the Department to mean that multiple family developments must meet the same lot size requirements for each unit as for single family residential development.

Minimum Lot Size - Multiple Family Developments, Hotels, Motels & Resorts

Proposal:

- Multiple family developments and resorts must meet the minimum lot size requirement for each building plus an additional 7,500 square feet of land and 50 feet of frontage for each additional dwelling unit within the building.
- Hotels and motels must meet the minimum lot size for each hotel and/or motel building plus an additional 2,000 square feet of land and 10 feet of frontage for each unit within the building.

Lot Size Reduction for Conservation Development

- Current Standard
 - No standards in current rule
- Proposal: In order to qualify for reduced lot sizes:
 - The conservation development (subdivision, multiple family development or resort) must permanently dedicate at least **40% of the parcel as conservation area**.
 - Area within the primary and secondary buffer or any wetland or floodway on the property cannot be included in the conservation area calculation
 - Permitted uses in the conservation areas are **limited to open space activities** that promote, enhance, preserve and/or restore the natural resource values of the area.

Lot Size Reduction for Conservation Development

If a conservation development qualifies for a reduced lot size:

- Conservation subdivisions may reduce the minimum lot size and frontage to 10,000 square feet and 50 feet of frontage for each dwelling unit for waterfront lots and 7,500 square feet of land for non-waterfront lots.
- Multiple family developments and resorts must meet the minimum lot size requirements for each building plus an additional 3,000 square feet of land and 20 feet of frontage for each additional dwelling unit within the building.

OHWL Setback Reductions & Nonconforming Lots

- Current Standard
 - Unless an existing pattern of development exists...
 - No standard for development on nonconforming lots

OHWL Setback Reductions & Nonconforming Lots

Proposal

- Construction may occur if all setbacks and other applicable standards can be met, even if the lot is substandard in size.
- If a substandard-sized lot and abutting lands have the same owners, the nonconforming lot may not be sold or developed separate from the abutting land unless the parcel is re-divided into lots that comply with current minimum lot size requirements.

OHWL Setback Reductions & Nonconforming Lots (Cont.)

Proposal

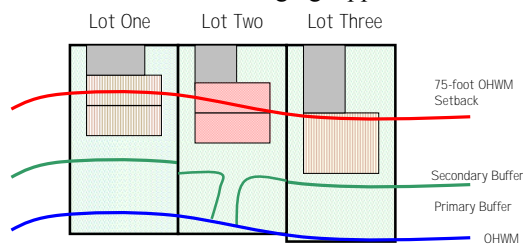
- If a compliant building location is not available, the setbacks may be reduced to create a building envelope subject to the following provisions:
 - The only structures allowed within the building envelope are a residence, garage and structures meeting the requirements of s. 59.692(1v), Wis. Stats.,
 - Structures shall not be larger than limits placed on the expansion of nonconforming structures.
 - Trigger for Mitigation

OHWL Setback Reductions & Nonconforming Lots

• 3-Step Proposal -

1. **Setback Averaging Approach:** To create a compliant building location, the OHWL setback may be averaged to the OHWL setbacks of the two adjacent principal structures. The two adjacent principal structures must be within 100 feet on both sides of the proposed building site and built at less than the required OHWL setback. The OHWL setback may not be reduced to less than the primary buffer.

Setback Averaging Approach



Lot One: 7,150 s.f. lot with 65 feet of frontage. Structure is 50 feet from the OHWL.

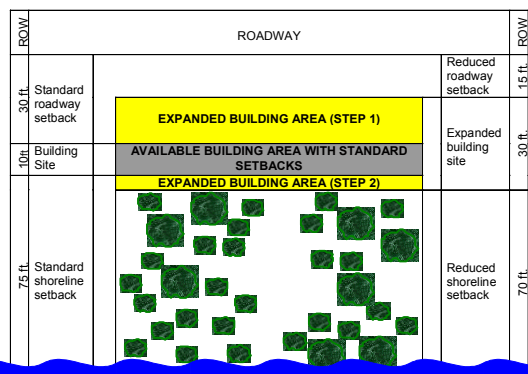
Lot Two: 7,800 s.f. lot with 65 feet of frontage. Setback can be reduced to 45 feet from the OHWL with setback averaging. The primary buffer is restored except for 15 feet around the structure maintained as lawn. Note: If adjacent lots were undeveloped or adjacent structures were setback 75 feet, lot would not be eligible for setback averaging.

Lot Three: 8,125 s.f. lot with 65 feet of frontage. Structure is 40 feet from the OHWL.

• 3-Step Proposal


2. **Setback Formula Approach:** If a compliant building location is still not available, a 30-foot deep building envelope may be created by first reducing the roadway setback as much as allowed by its governing body and then reducing the OHWL setback up to the primary buffer.

Setback Reduction Formula



• 3-Step Proposal


3. **Equity Approach:** If a compliant building location is still not available, the lot may be developed subject to the following conditions:
 - Sanitary systems are current and compliant with commerce standards,
 - The setbacks for structures on the lot shall be determined on a case-by-case basis - reducing the roadway setback first and then the ordinary high water mark (OHWL) setback may be reduced.
 - The setbacks may be reduced until a building envelope 30 feet deep is created.
 - The OHWL setback shall not be reduced beyond 40% of the depth of the lot.



3. Equity Approach (cont.):

- Total area of structures may not exceed 1,500 s.f. For each 1-foot decrease in the OHWM setback beyond the primary buffer, the s.f. cap shall be reduced 50 s.f.
- All levels of the structures count towards the s.f. cap, including basements areas or portions of garages that are suitable for use as living space or house egress under COMM 21.03(6).
- Trigger for Mitigation – however, a 15-foot wide envelope is allowed around structures as turf.


Flexibility



3. Equity Approach (cont.):

- Best management practices (BMPs) must be implemented and maintained that are designed to control post-construction runoff. BMPs may be placed in primary buffer if no other location is suitable.
- Buildings materials must be consistent with the Lower Wisconsin Riverway Standard Colorization Chart or native vegetation must be planted to screen all structures as viewed from the water.

Flexibility




Grading


- Current Law
 - Permitted in accordance with shoreland-wetlands zoning, Chapter 30 requirements, and other applicable state and federal laws
- Proposal
 - Maintain current standard
 - Permit retaining walls within the shoreland setback area if necessary to control on-going erosion that other non-structural methods cannot address and
 - Trigger for Mitigation

Flexibility

What is an Impervious Surface?




An **Impervious Surface** is any paved or structural surface that limits or impedes infiltration or causes additional runoff. Such surfaces include, but are not limited to buildings, structures, decks, patios, walkways, driveways and parking areas (NR 51.002(17)).



Impervious Surface Limits

- Current Standard
 - No standards in current rule
- Options
 - No standard
 - Impervious surfaces may not exceed 2,500 square feet or 20% of the lot area located within the shoreland zone, whichever is less, unless the property owner implements best management practices (BMPs) designed to control post-construction runoff.
 - NOTE: BMP's are being designed to implement the Nonpoint rules.

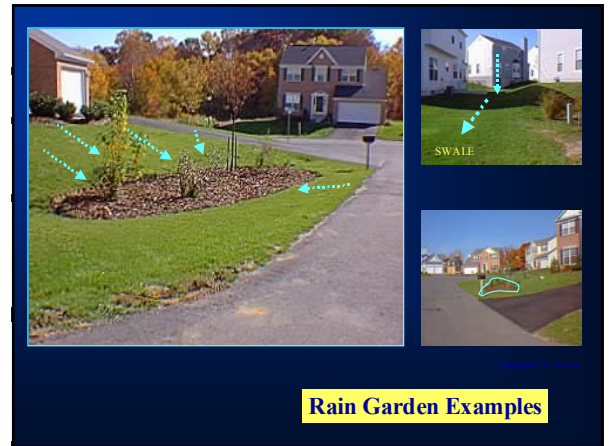
Resource Protection



Potential Best Management Practices (BMP's)

- Conservation Design
- Rain Gardens
- Disconnected Impervious
- Bioretention Basins
- Infiltration and Treatment Swales
- Porous Pavement
- Buffer Strips
- Nutrient Management

NOTE: BMP's are currently being designed for the nonpoint program and NR 151 implementation



Disconnect Impervious Areas



Porous Pavement and Pavers



- Driveways
- Parking Lots
- Walkways

Unique Uses

Agriculture, Forestry and Special Areas Management

- Current Standard
 - No standards in current rule
- Proposal
 - Buffers - Land used for non-structural agricultural practices, forestry management and special areas management have the option of opting out of NR 115 buffer standards.
 - Residences treated the same as single family development


Flexibility

Specific To Agriculture

For NEW Agricultural Facilities -

- a goal of the new structure is to improve water quality to comply with a required conservation plan,
- agricultural nonpoint performance standards, or a plan approved by the county Land Conservation Department or the DNR;
- an alternative site is not economically viable (greater than 115% of cost of structure) or is not available that will meet the water quality goals; and
- Trigger for Mitigation

Flexibility




Specific To Agriculture

For Existing Agricultural Facilities

- the expansion occurs landward of the structure and does not result in a degradation of water quality;
- an alternative site is not economically viable (greater than 115% of cost of structure) or is not available; and
- Trigger for Mitigation


Flexibility



Recreational Areas

Campgrounds, Public Access Sites and Marinas:


- Current Standards - No standards in current rule.
- Proposal: and the following provisions if located in shorelands:
 - Buffers, minimum lot sizes, impervious surface standards and mitigation are all the same as residential development.
 - Viewing Access Corridors (VACs), at the discretion of the property owner, may be created either as a single VAC or as multiple VACs, but in no instance shall the total width of the VACs exceed 30% of the frontage of the lot.



Recreational Areas

Specific to Campgrounds:


- Campgrounds must meet the standards in Ch. HFS 178
- OHWB Setbacks: Camping units and all structures shall meet the OHWM setback.
- Minimum Lot Size: New or expanding campgrounds (including time-share or condominium-owned campgrounds) must have a minimum lot size of 5 acres and 200 feet of frontage for the first 10 sites and an additional 3,000 square feet of minimum lot size and 20 feet of frontage for each additional site.
- Limits on Camping Unit Stays:
 - Proposal A - Camping units are limited to a max. 30 day stay
 - Proposal B - Maximum 90 day stay
 - Proposal C - Maximum 180 day stay
 - Proposal D - No limits on maximum stays



Recreational Areas

Specific to Public Access Sites:


- Structures shall meet the OHWM setback, except for:
 - Boat ramps
 - Piers
 - Locational signs that need to be visible from the water
 - One multi-purpose sign with a maximum size of 16 square feet, two sided, and the overall structure size being the minimum necessary to support, shelter and protect the sign.
 - Parking areas if other locations are not feasible



Recreational Areas

Specific to Marinas:

- Structures must meet OHWM setbacks, except for:
 - Boat ramps
 - Piers
 - Boat hoists
 - Marine fuel pumps that meet Department of Commerce standards (Note that, a combination of rigid piping and flexible hose may be used to supply fuel pumps located in the setback area or on piers subject to Dept. of Commerce standards)



Sanitary Regulations

- Proposal
 - It is no longer necessary for ch. NR 115 to require sanitary regulations in county shoreland zoning ordinances now that a property owner who wants to install a private sewage system is required to apply for a sanitary permit, and comply with ch. Comm 83, Wisconsin Administrative code, and other administrative rules and statutes that are potentially applicable.



For More Information...

- Check out: www.dnr.state.wi.us
- Under “Go to some topics”, select “shoreland management”
- Select “NR115 Revision Update” from left column
- Written comment period until December 31, 2003
- Please provide name and any other contact information